

AMENDED IN ASSEMBLY APRIL 16, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 724

Introduced by Assembly Member Cooley

February 21, 2013

An act to amend Section 12814.6 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 724, as amended, Cooley. Vehicles: driver's licenses.

The Brady-Jared Teen Driver Safety Act of 1997 requires, with a specified exception, that a driver's license issued to a person at least 16 years of age but under 18 years of age be issued pursuant to the provisional licensing program and consist of specified components. *Existing components, including, but not limited to, that the person complete 50 hours of supervised driving practice, as specified, prior to the issuance of a provisional license. Existing law requires that, upon application for a provisional license, the person submit to the Department of Motor Vehicles the certification of a parent, spouse, guardian, or licensed or certified driving instructor that the applicant has completed the required amount of driving practice and is prepared to take the department's driving test. Existing law permits a person without a parent, spouse, guardian, or who is an emancipated minor, to have a licensed driver 25 years of age or older or a licensed or certified driving instructor complete the certification.*

This bill would expand the scope of the provisional licensing program by extending the applicable age range for the program to 16 to 20 years of age. By expanding the scope of the provisional licensing program, a violation of which constitutes an infraction, the bill would impose a

state-mandated local program. The bill would additionally permit a provisional licensee 18 or 19 years of age to have a licensed driver 25 years of age or older or a licensed or certified driving instructor complete the certification described above.

Existing law, with a specified exception, subjects the provisional driver's license to various restrictions, including that during the first 12 months after issuance of a provisional license, the licensee generally may not drive between the hours of 11 p.m. and 5 a.m. or transport passengers who are under 20 years of age unless, in either case, he or she is accompanied and supervised by a licensed driver, as specified, or a licensed or certified driving instructor. Existing law authorizes limited exceptions to these restrictions that permit a licensee to drive in specified circumstances, including, but not limited to, a schooling or school-authorized activity, an employment necessity, or a necessity of the licensee or the licensee's immediate family member.

This bill would permit a provisional licensee 18 or 19 years of age to keep in his or her possession a copy of his or her class schedule as documentation to satisfy the exception for schooling or school-authorized activities. The bill would also permit a provisional licensee 18 or 19 years of age to keep in his or her possession a copy of his or her work schedule as documentation to satisfy the exception for employment necessity. The bill would provide that a signed statement by a parent or legal guardian is not required if reasonable transportation facilities are inadequate and operation of a vehicle by a provisional licensee 18 or 19 years of age is necessary to transport the licensee or the licensee's immediate family member.

Existing law also requires that any term of restriction or suspension of the driving privilege imposed on a ~~person~~ provisional licensee remain in effect until the end of the term even though the ~~person~~ provisional licensee becomes 18 years of age before the term ends. Existing law permits the Department of Motor Vehicles to issue a distinctive driver's license, that displays a distinctive color or a distinctively colored stripe or other distinguishing characteristic, to persons at least 16 years of age and older but under 18 years of age, and to persons 18 years of age and older but under 21 years of age, so that the distinctive license feature is immediately recognizable. In addition, existing law requires that the features clearly differentiate between driver's licenses issued to persons at least 16 years of age or older but under 18 years of age and to persons 18 years of age or older but under 21 years of age. Under existing law, a violation of these provisions is an infraction.

This bill would change the references to the 18 years of age in those provisions, to 20 years of age thereby extending the provisional licensing requirements. By expanding the scope of a crime, this bill would impose a state-mandated local program *require that any term of restriction or suspension of the driving privilege imposed on a provisional licensee remain in effect until the end of the term even though the person becomes 20 years of age, rather than 18 years of age, before the term ends. This bill would make other technical and conforming changes.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12814.6 of the Vehicle Code is amended
- 2 to read:
- 3 12814.6. (a) Except as provided in Section 12814.7, a driver's
- 4 license issued to a person at least 16 years of age but under 20
- 5 years of age shall be issued pursuant to the provisional licensing
- 6 program contained in this section. The program shall consist of
- 7 all of the following components:
- 8 (1) Upon application for an original license, the applicant shall
- 9 be issued an instruction permit pursuant to Section 12509. A person
- 10 who has in his or her immediate possession a valid permit issued
- 11 pursuant to Section 12509 may operate a motor vehicle, other than
- 12 a motorcycle or motorized bicycle, only when the person is either
- 13 taking the driver training instruction referred to in paragraph (3)
- 14 or practicing that instruction, provided the person is accompanied
- 15 by, and is under the immediate supervision of, a California licensed
- 16 driver 25 years of age or older whose driving privilege is not on
- 17 probation. The age requirement of this paragraph does not apply
- 18 if the licensed driver is the parent, spouse, or guardian of the
- 19 permitholder or is a licensed or certified driving instructor.
- 20 (2) The person shall hold an instruction permit for not less than
- 21 six months prior to applying for a provisional driver's license.
- 22 (3) The person shall have complied with one of the following:

1 (A) Satisfactory completion of approved courses in automobile
2 driver education and driver training maintained pursuant to
3 provisions of the Education Code in any secondary school of
4 California, or equivalent instruction in a secondary school of
5 another state.

6 (B) Satisfactory completion of an integrated driver education
7 and training program that is approved by the department and
8 conducted by a driving instructor licensed under Chapter 1
9 (commencing with Section 11100) of Division 5. The program
10 shall utilize segmented modules, whereby a portion of the
11 educational instruction is provided by, and then reinforced through,
12 specific behind-the-wheel training before moving to the next phase
13 of driver education and training. The program shall contain a
14 minimum of 30 hours of classroom instruction and six hours of
15 behind-the-wheel training.

16 (C) Satisfactory completion of six hours or more of
17 behind-the-wheel instruction by a driving school or an independent
18 driving instructor licensed under Chapter 1 (commencing with
19 Section 11100) of Division 5 and either an accredited course in
20 automobile driver education in any secondary school of California
21 pursuant to provisions of the Education Code or satisfactory
22 completion of equivalent professional instruction acceptable to
23 the department. To be acceptable to the department, the
24 professional instruction shall meet minimum standards to be
25 prescribed by the department, and the standards shall be at least
26 equal to the requirements for driver education and driver training
27 contained in the rules and regulations adopted by the State Board
28 of Education pursuant to the Education Code. A person who has
29 complied with this subdivision shall not be required by the
30 governing board of a school district to comply with subparagraph
31 (A) in order to graduate from high school.

32 (D) Except as provided under subparagraph (B), a student may
33 not take driver training instruction, unless he or she has
34 successfully completed driver education.

35 (4) The person shall complete 50 hours of supervised driving
36 practice prior to the issuance of a provisional license, which is in
37 addition to any other driver training instruction required by law.
38 Not less than 10 of the required practice hours shall include driving
39 during darkness, as defined in Section 280. Upon application for
40 a provisional license, the person shall submit to the department

1 the certification of a parent, spouse, guardian, or licensed or
2 certified driving instructor that the applicant has completed the
3 required amount of driving practice and is prepared to take the
4 department's driving test. A person without a parent, spouse, *or*
5 guardian, ~~or who is an emancipated minor, or a person 18 or 19~~
6 *years of age* may have a licensed driver 25 years of age or older
7 or a licensed or certified driving instructor complete the
8 certification. This requirement does not apply to motorcycle
9 practice.

10 (5) The person shall successfully complete an examination
11 required by the department. Before retaking a test, the person shall
12 wait for not less than one week after failure of the written test and
13 for not less than two weeks after failure of the driving test.

14 (b) Except as provided in Section 12814.7, the provisional
15 driver's license shall be subject to all of the following restrictions:

16 (1) Except as specified in paragraph (2), during the first 12
17 months after issuance of a provisional license the licensee ~~may~~
18 *shall* not do any of the following unless accompanied and
19 supervised by a licensed driver who is the licensee's parent or
20 guardian, a licensed driver who is 25 years of age or older, or a
21 licensed or certified driving instructor:

22 (A) Drive between the hours of 11 p.m. and 5 a.m.

23 (B) Transport passengers who are under 20 years of age.

24 (2) A licensee may drive between the hours of 11 p.m. and 5
25 a.m. or transport an immediate family member without being
26 accompanied and supervised by a licensed driver who is the
27 licensee's parent or guardian, a licensed driver who is 25 years of
28 age or older, or a licensed or certified driving instructor, in the
29 following circumstances:

30 (A) Medical necessity of the licensee when reasonable
31 transportation facilities are inadequate and operation of a vehicle
32 ~~by a minor the licensee~~ is necessary. The licensee shall keep in his
33 or her possession a signed statement from a physician familiar
34 with the condition, containing a diagnosis and probable date when
35 sufficient recovery will have been made to terminate the necessity.

36 (B) Schooling or school-authorized activities of the licensee
37 when reasonable transportation facilities are inadequate and
38 operation of a vehicle ~~by a minor the licensee~~ is necessary. ~~The~~

39 (i) *The* licensee shall keep in his or her possession a signed
40 statement from the school principal, dean, or school staff member

1 designated by the principal or dean, containing a probable date
2 that the schooling or school-authorized activity will have been
3 completed.

4 (ii) *A licensee 18 or 19 years of age may keep in his or her*
5 *possession a copy of his or her class schedule as documentation*
6 *to satisfy this requirement.*

7 (C) Employment necessity of the licensee when reasonable
8 transportation facilities are inadequate and operation of a vehicle
9 by ~~a minor~~ *the licensee* is necessary. ~~The~~

10 (i) *The licensee shall keep in his or her possession a signed*
11 *statement from the employer, verifying employment and containing*
12 *a probable date that the employment will have been completed.*

13 (ii) *A licensee 18 or 19 years of age may keep in his or her*
14 *possession a copy of his or her work schedule as documentation*
15 *to satisfy this requirement.*

16 (D) Necessity of the licensee or the licensee's immediate family
17 member when reasonable transportation facilities are inadequate
18 and operation of a vehicle by ~~a minor~~ *the licensee* is necessary to
19 transport the licensee or the licensee's immediate family member.
20 The licensee shall keep in his or her possession a signed statement
21 from a parent or legal guardian verifying the reason and containing
22 a probable date that the necessity will have ceased. *If reasonable*
23 *transportation facilities are inadequate and operation of a vehicle*
24 *by a licensee 18 or 19 years of age is necessary to transport the*
25 *licensee or the licensee's immediate family member, a signed*
26 *statement by a parent or legal guardian is not required.*

27 (E) The licensee is an emancipated minor.

28 (c) A law enforcement officer shall not stop a vehicle for the
29 sole purpose of determining whether the driver is in violation of
30 the restrictions imposed under subdivision (b).

31 (d) A law enforcement officer shall not stop a vehicle for the
32 sole purpose of determining whether a driver who is subject to the
33 license restrictions in subdivision (b) is in violation of Article 2.5
34 (commencing with Section 118947) of Chapter 4 of Part 15 of
35 Division 104 of the Health and Safety Code.

36 (e) (1) Upon a finding that any licensee has violated paragraph
37 (1) of subdivision (b), the court shall impose one of the following:

38 (A) Not less than eight hours nor more than 16 hours of
39 community service for a first offense and not less than 16 hours

1 nor more than 24 hours of community service for a second or
2 subsequent offense.

3 (B) A fine of not more than thirty-five dollars (\$35) for a first
4 offense and a fine of not more than fifty dollars (\$50) for a second
5 or subsequent offense.

6 (2) If the court orders community service, the court shall retain
7 jurisdiction until the hours of community service have been
8 completed.

9 (3) If the hours of community service have not been completed
10 within 90 days, the court shall impose a fine of not more than
11 thirty-five dollars (\$35) for a first offense and not more than fifty
12 dollars (\$50) for a second or subsequent offense.

13 (f) A conviction of paragraph (1) of subdivision (b), when
14 reported to the department, may not be disclosed as otherwise
15 specified in Section 1808 or constitute a violation point count value
16 pursuant to Section 12810.

17 (g) Any term of restriction or suspension of the driving privilege
18 imposed on a person pursuant to this subdivision shall remain in
19 effect until the end of the term even though the person becomes
20 20 years of age before the term ends.

21 (1) The driving privilege shall be suspended when the record
22 of the person shows one or more notifications issued pursuant to
23 Section 40509 or 40509.5. The suspension shall continue until any
24 notification issued pursuant to Section 40509 or 40509.5 has been
25 cleared.

26 (2) A 30-day restriction shall be imposed when a driver's record
27 shows a violation point count of two or more points in 12 months,
28 as determined in accordance with Section 12810. The restriction
29 shall require the licensee to be accompanied by a licensed parent,
30 spouse, guardian, or other licensed driver 25 years of age or older,
31 except when operating a class M vehicle, or so licensed, with no
32 passengers aboard.

33 (3) A six-month suspension of the driving privilege and a
34 one-year term of probation shall be imposed whenever a licensee's
35 record shows a violation point count of three or more points in 12
36 months, as determined in accordance with Section 12810. The
37 terms and conditions of probation shall include, but not be limited
38 to, both of the following:

39 (A) The person shall violate no law which, if resulting in
40 conviction, is reportable to the department under Section 1803.

1 (B) The person shall remain free from accident responsibility.

2 (h) Whenever action by the department under subdivision (g)
3 arises as a result of a motor vehicle accident, the person may, in
4 writing and within 10 days, demand a hearing to present evidence
5 that he or she was not responsible for the accident upon which the
6 action is based. Whenever action by the department is based upon
7 a conviction reportable to the department under Section 1803, the
8 person has no right to a hearing pursuant to Article 3 (commencing
9 with Section 14100) of Chapter 3.

10 (i) The department shall require a person whose driving privilege
11 is suspended or revoked pursuant to subdivision (g) to submit proof
12 of financial responsibility as defined in Section 16430. The proof
13 of financial responsibility shall be filed on or before the date of
14 reinstatement following the suspension or revocation. The proof
15 of financial responsibility shall be maintained with the department
16 for three years following the date of reinstatement.

17 (j) (1) Notwithstanding any other provision of this code, the
18 department may issue a distinctive driver's license, that displays
19 a distinctive color or a distinctively colored stripe or other
20 distinguishing characteristic, to persons at least 16 years of age
21 and older but under ~~20~~ 18 years of age, and to persons ~~20~~ 18 years
22 of age and older but under 21 years of age, so that the distinctive
23 license feature is immediately recognizable. The features shall
24 clearly differentiate between driver's licenses issued to persons at
25 least 16 years of age or older but under ~~20~~ 18 years of age and to
26 persons ~~20~~ 18 years of age or older but under 21 years of age.

27 (2) If changes in the format or appearance of driver's licenses
28 are adopted pursuant to this subdivision, those changes may be
29 implemented under any new contract for the production of driver's
30 licenses entered into after the adoption of those changes.

31 (k) The department shall include, on the face of the provisional
32 driver's license, the original issuance date of the provisional
33 driver's license in addition to any other issuance date.

34 (l) This section shall be known and may be cited as the
35 Brady-Jared Teen Driver Safety Act of 1997.

36 SEC. 2. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

O